



CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

Case ID 1500161935

**Erf 178150, 43 Grove Avenue,
Claremont**

Development Management

This cover page is added by the City of Cape Town as part of our standard branding and document-management process. It does not indicate that the City authored, verified or endorses the submission. All application documents remain the responsibility of the applicant and the City assesses them as submitted. Any errors or discrepancies will be addressed through the normal land use assessment process.

All rights reserved. No part of this data may be reproduced or transmitted without written permission from the Development Management Department of the City of Cape Town. This document is available on the City of Cape Town website (www.capetown.gov.za/LandUseNotices) for a limited time. Please do not host the document independently; you may link to it from the City's site. Documents downloaded from any other website cannot be verified for authenticity.

LJ GLUCKMAN

TOWN PLANNING

MOTIVATIONAL REPORT:

PREPARED BY: LJ GLUCKMAN TOWN PLANNING

APPLICATION: APPLICATION FOR REZONING, SUBDIVISION AND DEPARTURES ASSOCIATED WITH PROPOSED DEVELOPMENT CONCERNING ERF 178150, CAPE TOWN.

DATE: 24 JULY 2026

ERF Number	Erf 178150, Cape Town
Address	43 Grove Avenue, Claremont
Registered Owner	
Applicant	
Title Deed	
Restrictive Conditions	NA
Registered Extent	2374
Zoning	Community Zone 1
Overlay Zoning	NA
Application	Land Use Application

INTRODUCTION

Erf 178150, Cape Town, the subject property, is a recently registered erf which resulted from the subdivision of Erf 55906-RE. This subdivision resulted in the synagogue and the vacant area which once belonged to the parent erf being separated so separate each of these features and locate them on their own properties.

is the registered owner of the vacant portion, Erf 178150, Cape Town, and is proposing to rezone and subdivide this property for the purposes of locating single residential housing units thereon. This report serves to elaborate on this proposal and includes all necessary land use applications as they relate to the proposed new works.

APPLICATIONS

1. Application is hereby made in terms of Section 42(a) of the MPBL, for the rezoning of Erf 178150, Cape Town, from Community 1 to Residential Zone 1.
2. Application is hereby made in terms of Section 42(d) of the MPBL, for the subdivision of Erf 178150, Cape Town, into 9 Portions as per the plan of proposed subdivision annexed to this report.
3. Application is hereby made in terms of Section 42(b) of the MPBL, for a proposed bulk departure from item 22(c)(ii) concerning the height of structures within 3m of the common boundaries of proposed Portions 1, 4 & 5.
4. Application is hereby made in terms of Section 42(b) of the MPBL, for the proposed departure from item 22(d) to permit the proposed portions of structures located on proposed Portions 2 & 8 to be located within the 1.5m street boundary setback.
5. Application is hereby made in terms of Section 42(b) of the MPBL, for the proposed departure from item 121(1)(a)(viii) to permit proposed swimming pools on Proposed Portions 2 and 3 to be within 1m of the respective street boundaries.

LIST OF DEPARTURES:

1. Departures from item 22(c)(ii)
 - To permit a building height on proposed Portion 1 of 7.363m in lieu of 4m within the 3m of the south west common boundary building line.
 - To permit a building height on proposed Portion 4 of 8.815m in lieu of 4m within the 3m of the south west common boundary building line.
 - To permit a building height on proposed Portion 4 of 7.284m in lieu of 4m within the 3m of the north west common boundary building line.
 - To permit a building height on proposed Portion 5 of 7.284m in lieu of 4m within the 3m of the south east common boundary building line.

- To permit a building height on proposed Portion 5 of 8.815m in lieu of 4m within the 3m of the south west common boundary building line.
- To permit a building height on proposed Portion 5 of 7.284m in lieu of 4m within the 3m of the north west common boundary building line.

2. Departures from item 22(d)

- To permit a portion of the structure located on proposed Portion/Erf 2 to be setback 1m in lieu of 1.5m from the south east street boundary (internal/private road).
- To permit a portion of the structure located on proposed Portion/Erf 8 to be setback 0.93m in lieu of 1.5m from the north west street boundary (Grove Avenue).

3. Departures from 121(1)(a)(viii)

- To permit the proposed swimming pool on proposed Portion 2 to be setback 0.33m in lieu of 1m from the north west street boundary with the internal/private road.
- To permit the proposed swimming pool on proposed Portion 3 to be setback 0.33m (north west boundary) and 0.7m (south west boundary) in lieu of 1m from the internal/private road.

THE APPLICANT

As per Title Deed _____ the subject property is owned by _____ The sole director of _____ has authorised _____ to act as the applicant and to represent the company to the City of Cape Town in all matters associated with this land use application.

DESCRIPTION OF APPLICATIONS

1. PROPOSED REZONING FROM COMMUNITY ZONE 1 TO RESIDENTIAL ZONE 1

Prior to the subdivision of Erf 55906-RE the entire property, including the portion associated the recently registered subject property, formed part of the grounds associated with a synagogue. As has been indicated in this report, one of the portions which was the result of this subdivision was a large, vacant erf which, despite not containing any structures, retained the zoning of the parent erf.

This vacant erf, the newly registered Erf 178150, Cape Town, is the subject property of this application and application is included for the proposed rezoning of this property to Residential Zone 1 to accommodate the proposals as outlined in further detail below.

2. PROPOSED SUBDIVISION INTO 9 PORTIONS

Application is included for the proposed subdivision of the subject property into 9 portions. A plan of proposed subdivision has been included as an annexure to this application together with a site plan which details the proposed development on each proposed portion.

Approximate Areas of Subdivided Portions:

PROPOSED PORTION 1: Proposed Area: +- 236 sqm

PROPOSED PORTION 2: Proposed Area: +- 202 sqm

PROPOSED PORTION 3: Proposed Area: +- 197 sqm

PROPOSED PORTION 4: Proposed Area: +- 269 sqm

PROPOSED PORTION 5: Proposed Area: +- 208 sqm

PROPOSED PORTION 6: Proposed Area: +- 267 sqm

PROPOSED PORTION 7: Proposed Area: +- 221 sqm

PROPOSED PORTION 8: Proposed Area: +- 294 sqm

PROPOSED PORTION 9: Proposed Area: +- 477 sqm (proposed private road)

The plan of proposed subdivision includes a servitude area over a portion of Proposed Portion 9 (private road).

Proposed Access: The main access to the proposed development is taken off of Foyle Road . The carriageway crossing is 5m wide with a 5m stacking distance to ensure that vehicles can enter and exit safely. This CWC provides access to Proposed Portions 1-7. Portion 8 is proposed to have a private CWC also taken off of Foyle Road as shown on the proposed site plan.

Proposed Name of the Development: Palm View

Proposed Address:

Portion 1: 2 Palm View, 2B Foyle Road Claremont

Portion 2: 3 Palm View, 2B Foyle Road Claremont

Portion 3: 4 Palm View, 2B Foyle Road Claremont

Portion 4: 5 Palm View, 2B Foyle Road Claremont

Portion 5: 6 Palm View, 2B Foyle Road Claremont

Portion 6: 7 Palm View, 2B Foyle Road Claremont

Portion 7: 8 Palm View, 2B Foyle Road Claremont

Portion 8: 1 Palm View, 2A Foyle Road Claremont

Portion 9: 2B Foyle Road Claremont (Private Road)

Proposed Management: The property is proposed to be managed by a home owners association.

Refuse Removal: The home owners association will appoint/employ an individual who will be responsible for ensuring that the refuse from all proposed properties will be placed at the main entrance to the development on days when the area is serviced by refuse collection.

CURRENT LAND USE AND DEVELOPMENT RIGHTS

As the subject property is currently zoned Community Zone 1 and is a vacant erf measuring 2374 square meters in extent the following land use and development rights are currently applicable/permissible.

Permissible Land Use:

Primary uses: place of instruction, place of worship, clinic, rooftop base telecommunication station, filming, minor freestanding base telecommunication station, minor rooftop base telecommunication station, electric vehicle charging stations, micro wind turbine, structure-mounted energy system and open space.

Additional use rights: small-scale wind turbine subject to further development rules.

Consent Uses: institution, hospital, place of assembly, cemetery, freestanding base telecommunication station, veterinary practice, shop, informal trading, ground-mounted energy system and urban agriculture.

Permissible Development:

Floor Factor: 0.8

Coverage: 80%

Maximum Building Height Above EGL: 12m

Street Boundary Building Line: 3m

Common Boundary Building Line: 3m

The current zoning will therefore permit a single large building to be located on the subject property covering an area of +- 1899 square meters, with a total floor space of +- 1899, a maximum height of 12m above EGL with no height limit applicable to a bell tower, steeple or other similar architectural feature and structures permitted to be up to 3m from the street and common boundaries.

LAND USE AND DEVELOPMENT RIGHTS AS A RESULT OF THE APPROVAL OF PROPOSALS

The approval of the proposals contained herein, which includes the rezoning of the subject property to Residential Zone 1 and the subdivision of this property into 9 portions will result in the following permissible land uses and development parameters.

Permissible Land Use:

The below applies to all proposed portions:

Primary Uses: dwelling house, private road, micro wind turbine, structure-mounted energy system and additional use rights.

Additional Use Rights: home occupation, bed and breakfast establishment, second dwelling, third dwelling, filming (items 21(b)(iii) and (vi) does not apply), affordable rental flat, supplementary dwelling unit, small-scale wind turbine (only for land unit areas of equal or greater than 650m²), place of instruction (with not more than 34 children) and home childcare, subject to further conditions.

Consent Uses: utility service, place of instruction, place of worship, house shop, institution, guest house, minor rooftop base telecommunication station, rooftop base telecommunication station, wind turbine infrastructure, open space, urban agriculture, veterinary practice, electrical vehicle charging station, small-scale animal care centre, chancery, boarding house, ground-mounted energy system, commune, clinic, small-scale wind turbine (only for land unit areas less than 650m²), informal trading and halfway house.

The following primary use rights are proposed to be exercised on each portion:

Portion 1: Dwelling House

Portion 2: Dwelling House

Portion 3: Dwelling House

Portion 4: Dwelling House

Portion 5: Dwelling House

Portion 6: Dwelling House

Portion 7: Dwelling House

Portion 8: Dwelling House

Portion 9: Private Road

The approval of the proposals contained herein as they relate to land use will permit 8 dwelling houses each located on their own erf and a private road to services these new erven.

Permissible Development:

PROPOSED PORTION 1:

Proposed Area: +- 236 sqm

Floor Factor: 1

Coverage: 80%

Maximum Building Height Above EGL: 9m

Street Boundary Building Line: 1.5m

Common Boundary Building Line: 0m

PROPOSED PORTION 2:

Proposed Area: +- 202 sqm

Floor Factor: 1

Coverage: 80%

Maximum Building Height Above EGL: 9m

Street Boundary Building Line: 1.5m

Common Boundary Building Line: 0m

PROPOSED PORTION 3:

Proposed Area: +- 197 sqm

Floor Factor: 1

Coverage: 80%

Maximum Building Height Above EGL: 9m

Street Boundary Building Line: 1m

Common Boundary Building Line: 0m

PROPOSED PORTION 4:

Proposed Area: +- 269 sqm

Floor Factor: 1

Coverage: 80%

Maximum Building Height Above EGL: 9m

Street Boundary Building Line: 1.5m

Common Boundary Building Line: 0m

PROPOSED PORTION 5:

Proposed Area: +- 208 sqm

Floor Factor: 1

Coverage: 80%

Maximum Building Height Above EGL: 9m

Street Boundary Building Line: 1.5m

Common Boundary Building Line: 0m

PROPOSED PORTION 6:

Proposed Area: +- 267 sqm

Floor Factor: 1

Coverage: 80%

Maximum Building Height Above EGL: 9m

Street Boundary Building Line: 1.5m

Common Boundary Building Line: 0m

PROPOSED PORTION 7:

Proposed Area: +- 221 sqm

Floor Factor: 1

Coverage: 80%

Maximum Building Height Above EGL: 9m

Street Boundary Building Line: 1.5m

Common Boundary Building Line: 0m

PROPOSED PORTION 8:

Proposed Area: +- 294 sqm

Floor Factor: 1

Coverage: 80%

Maximum Building Height Above EGL: 9m

Street Boundary Building Line: 1.5m

Common Boundary Building Line: 0m

PROPOSED PORTION 9:

Proposed Area: +- 477 sqm (proposed private road)

Road.

The table provided on the proposed building plans (discussed below) clearly indicates the permissible development on each respective portion and the proposals relative to each development parameter. Departures have been included, and described in detail in the sections to follow, where proposed development has exceeded that which is permissible in terms of the by-laws. The proposed building plans also show that other relevant provisions of the Development Management Scheme have been conformed with including street boundary permeability requirements and on-site parking provision.

Based on the above assessment it is clear that the approval of the proposals contained herein will allow for 8 relatively small dwellings as opposed to one large building covering 80% of the property. The maximum building height will be reduced by 3m while the total coverage over the entire area will remain the same. This is in fact reduced slightly by the proposed road. The majority of departures included herein are contained within the proposed development, i.e. between internal common boundaries, and the proposed land use and development is believed to be highly compatible with the surrounding area. This compatibility and desirability in terms of local policies is discussed in greater detail in sections to follow.

PROPOSED DEVELOPMENT ON THE SUBDIVIDED PORTIONS

Proposed building plans have been provided which detail the proposed development on each subdivided portion. The below table, an extract from these plans, tabulates the development parameters and proposals for each portion.

PROPERTY INFORMATION

Erf: 178150 = 2374m²

Occupation: H4

SUBDIVISION AND REZONING FROM LOCAL (CO1) TO (R1)

LAND UNIT	LAND UNIT AREA	FLOOR FACTOR 1	GROUND FLOOR	FIRST FLOOR	GROUND FLOOR AND FIRST FLOOR	COVERAGE 80%	COVERAGE	MAXIMUM HEIGHT ABOVE EXISTING GROUND LEVEL TO TOP OF BUILDING 9m	BUILDING LINES		12m STREET BOUNDARY SETBACK	PARKING	PERMEABILITY STREET BOUNDARY WALLS 25%	REFUSE BINS
									STREET BOUNDARY	COMMON BOUNDARY				
ERF: 1	236.20m ²	236.20m ²	80.71m ²	115.95m ²	196.66m ²	188.96m ²	119.58m ²	8.609m	1.5m with 12m setback	0m with 3m setback	Overlap from Foyle Road and Right of Way Servitude	2	Foyle Road 25% Right of Way Servitude 25%	One refuse bin in courtyard
ERF: 2	202.44m ²	202.44m ²	79.34m ²	114.58m ²	193.92m ²	161.95m ²	116.84m ²	8.609m 8.909m to parapet wall	1.5m with 12m setback	0m with 3m setback	Overlaps from two Right of Way Servitude's	2	Right of Way Servitude 48% Right of Way Servitude 25%	One refuse bin in courtyard
ERF: 3	197.22m ²	197.22m ²	79.34m ²	114.58m ²	193.92m ²	157.77m ²	116.84m ²	8.609m 8.909m to parapet wall	1.0m with 12m setback	0m with 3m setback	Overlaps from three Right of Way Servitude's	2	Right of Way Servitude 48% Right of Way Servitude 25% Right of Way Servitude 86%	One refuse bin in courtyard
ERF: 4	269.68m ²	269.68m ²	67.18m ²	112.05m ²	179.23m ²	215.74m ²	115.80m ²	8.815m	1.5m with 12m setback	0m with 3m setback	No overlap	2	Right of Way Servitude 100%	One refuse bin in courtyard
ERF: 5	208.26m ²	208.26m ²	67.18m ²	112.05m ²	179.23m ²	166.60m ²	115.80m ²	8.815m	1.5m with 12m setback	0m with 3m setback	No overlap	2	Right of Way Servitude 96%	One refuse bin in courtyard
ERF: 6	266.87m ²	266.87m ²	79.34m ²	114.58m ²	193.92m ²	213.49m ²	116.84m ²	8.609m 8.909m to parapet wall	1.5m with 12m setback	0m with 3m setback	Overlaps from Grove Avenue and Right of Way Servitude	2	Grove Avenue 25% Right of Way Servitude 48%	One refuse bin in courtyard
ERF: 7	220.79m ²	220.79m ²	79.34m ²	114.58m ²	193.92m ²	176.0m ²	116.84m ²	8.609m 8.909m to parapet wall	1.5m with 12m setback	0m with 3m setback	Overlaps from Grove Avenue and Right of Way Servitude	2	Grove Avenue 25% Right of Way Servitude 48%	One refuse bin in courtyard
ERF: 8	293.68m ²	293.68m ²	84.11m ²	87.93m ²	172.04m ²	234.94m ²	127.69m ²	8.007m	1.5m with 12m setback	0m with 3m setback	Overlaps from Grove Avenue Foyle Road and Right of Way Servitude	2	Grove Avenue & Foyle Rd. 38% Right of Way Servitude 100%	One refuse bin in courtyard

The above table shows development on each proposed portion to be in accordance with the permissible floor factor (1) and permissible coverage 80%. The table clearly indicates the total coverage area and permissible floor area for each portion and indicates the proposed coverage and floor space for each. The table, together with the respective elevation plans, also indicates that the proposed boundary wall are compliant with the permeability calculations and that all structures are below the maximum 9m height restriction.

There are however a number of departures required as per the proposed new development. These are detailed in the sections to follow.

ADDITIONAL APPLICATIONS ASSOCIATED WITH THE PROPOSED DEVELOPMENT

In certain instances, proposed development is not in accordance with the permissible development parameters as provided for in the Development Management Scheme. As such, applications for departures have been included and are detailed below. An illustrative plan has also been included which annotates each respective application on the proposed building plans.

3. BULK DEPARTURE ASSOCIATED WITH BUILDING HEIGHTS WITHIN 3M OF COMMON BOUNDARIES

Proposed Portions/Erven 1, 4 & 5 all have one, or more, instance where a portion of the structure is located within 3m of the common boundary building line, beyond the 12m street boundary setback, and exceeds 4m in height.

The building plans provided clearly illustrate the 12m street boundary setbacks and, where applicable, the portions of structures located within 3m common boundary building lines beyond this setback and exceeding 4m in height.

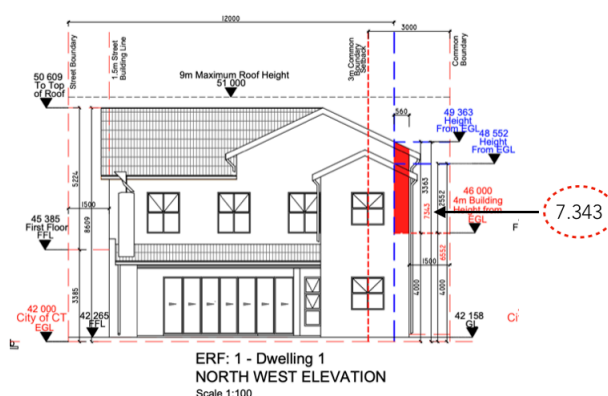
A departure plan has been provided which clearly illustrates these departures and some of these annotations have been included below for reference.

As illustrated below, the following departures associated with item 22(c)(ii) are included within this application:

- To permit a building height on proposed Portion 1 of 7.363m in lieu of 4m within the 3m of the south west common boundary building line.
- To permit a building height on proposed Portion 4 of 8.815m in lieu of 4m within the 3m of the south west common boundary building line.
- To permit a building height on proposed Portion 4 of 7.284m in lieu of 4m within the 3m of the north west common boundary building line.
- To permit a building height on proposed Portion 5 of 7.284m in lieu of 4m within the 3m of the south east common boundary building line.
- To permit a building height on proposed Portion 5 of 8.815m in lieu of 4m within the 3m of the south west common boundary building line.
- To permit a building height on proposed Portion 5 of 7.284m in lieu of 4m within the 3m of the north west common boundary building line.

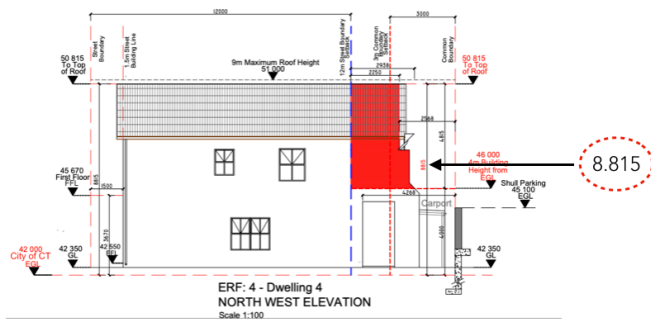
ERF/PORTION 1:

ERF 1: South west common boundary

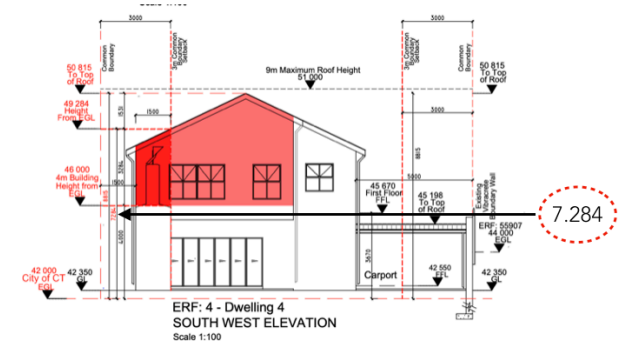


ERF/PORTION 4:

ERF 4: South west common boundary

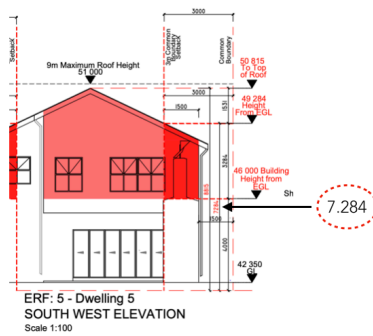


ERF 4: North west common boundary

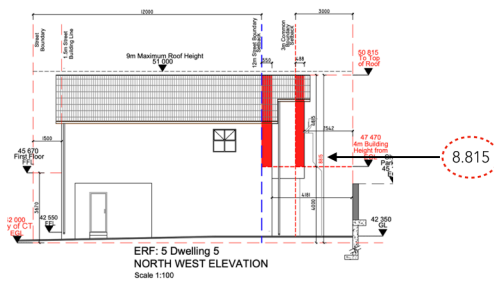


ERF/PORTION 5:

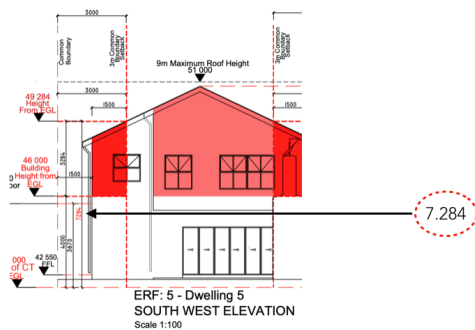
ERF 5: South east common boundary



ERF 5: South west common boundary



ERF 5: North west common boundary

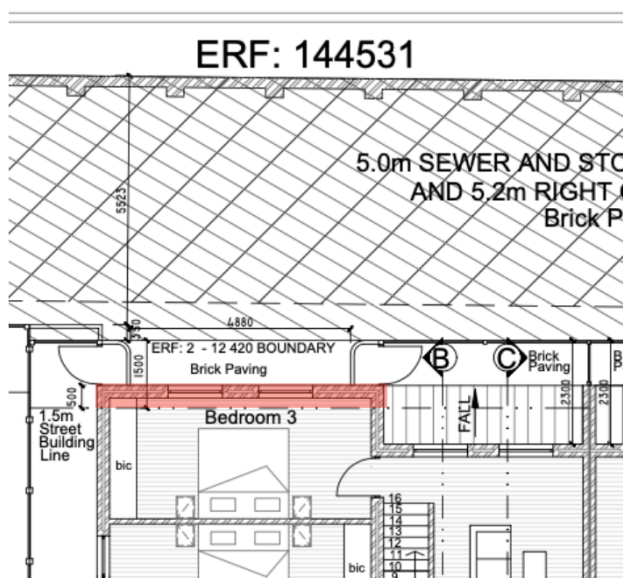


With the exception of the north west common boundaries of proposed Portions 4 and 5, these departures are largely associated with inward facing common boundaries, i.e. share common boundaries with other proposed erven within the development. The proposed departures applicable along the north west common boundaries of proposed Portions/Erven 4 & 5 are the boundaries shared between the proposed erven and Erf 55906-RE, the erf from which the subject property was originally subdivided. As per the provisions of the MPBL these structures are permitted to be located on these common boundaries up to a height of 4m. Despite this, the proposed dwellings are proposed to be setback 2.568m (common boundary setback of the dwelling to be located on proposed Portion 4 with the common boundary shared with Erf 55906-RE) and 2.481m (common boundary setback of the dwelling to be located on proposed Portion 5 with the common boundary shared with Erf 55906-RE). Given the provisions of the by-laws these represent substantial setbacks from this neighbouring property and the approval of these departures associated with the proposed height of these structures within the 3m common boundary building line is not expected to have a negative impact on this neighbouring property. Should these buildings be setback a further 0.432m from this boundary on proposed Portion 4 and a further 0.519m from this boundary on proposed Portion 5, the structures would be permitted to be 9m in height.

4. STREET BOUNDARY BUILDING LINE DEPARTURES

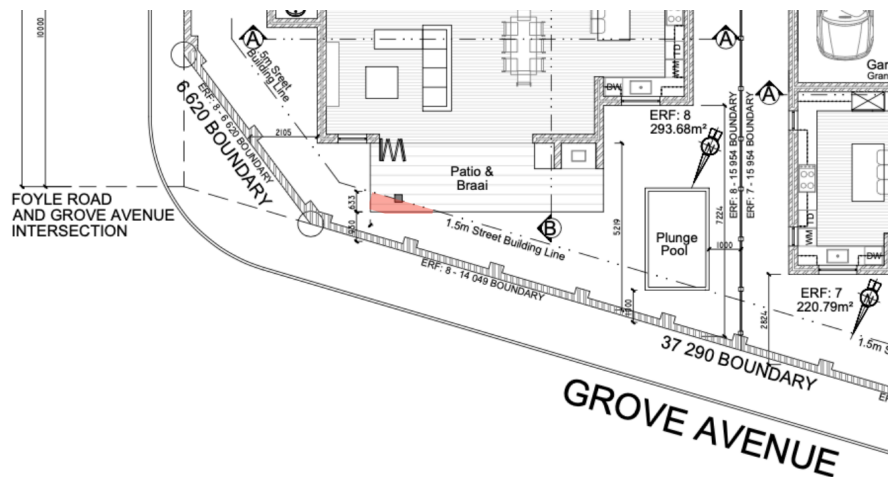
The below details the proposed departures from item 22(d) which provides for the required street boundary building lines. Structures on proposed Portions 2 and 8 are required to be setback 1.5m from all street boundaries given their total size. Portions of structures on each are located within this required setback and applications for departures have been included accordingly.

ERF/PORTION 2:



Application to permit a portion of the structure located on proposed Portion/Erf 2 to be setback 1m in lieu of 1.5m from the south east street boundary (internal/private road). As indicated, the relevant street shown above is a proposed internal/private road and a setback of 1m is in no way expected to have a negative impact on the functioning of this road. The neighbouring property, proposed Portion 3 has a street boundary building line of 1m as provided for by the MPBL given its size. The setback of the above structure 1m from this boundary creates consistency in the proposals for Portions 2 and 3.

ERF/PORTION 8:



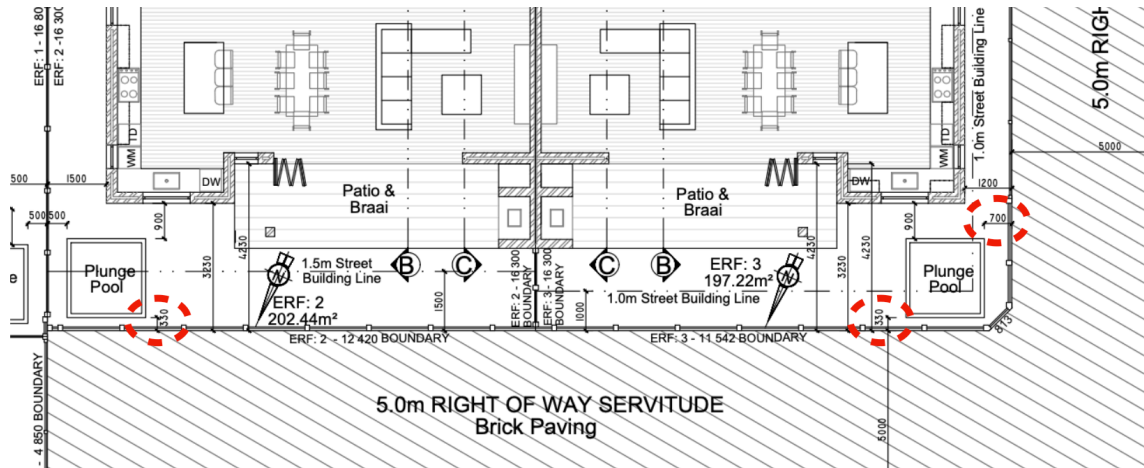
To permit a portion of the structure located on proposed Portion/Erf 8 to be setback 0.93m in lieu of 1.5m from the north west street boundary (Grove Avenue). The portion of the building, associated with that which is highlighted in red in the image above, is a covered patio and braai area. All bedrooms and internal living spaces are setback greater than the required 1.5 meters from this boundary. Given the small extent of the structure located within the street boundary building line, the fact that this portion is limited to the ground floor, and the type of activity it accommodates, there is no expectation that the location of this structure will have a negative impact on road users on Grove Avenue including those making use of the sidewalk.

5. DEPARTURES ASSOCIATED WITH PROPOSED LOCATION OF SWIMMING POOLS RELATIVE TO PROPERTY BOUNDARIES

Item 121(1)(a)(viii) permits swimming pools to be located up to 1m of a properties boundary. As the proposed properties are permitted to locate structures 0m from common boundaries as per the provisions of the MPBL and associated Development Management Scheme, the 1m setback applicable to swimming pools does not apply. This provision does however apply where swimming pools are located within the 1m or 1.5m street boundary building lines in which case the 1m setback is applicable.

Application is included for the following departures as illustrated below:

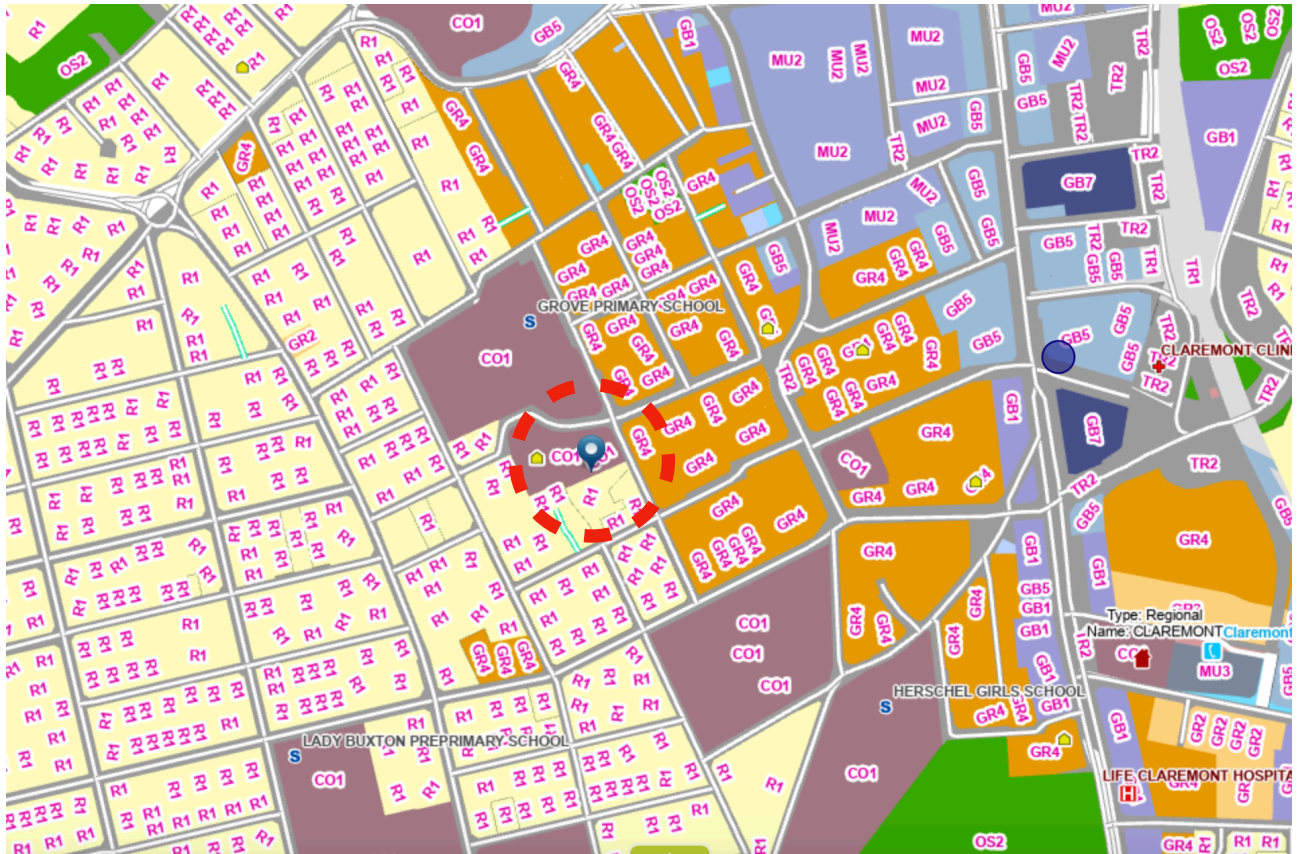
- To permit the proposed swimming pool on proposed Portion 2 to be setback 0.33m in lieu of 1m from the north west street boundary with the internal/private road.
- To permit the proposed swimming pool on proposed Portion 3 to be setback 0.33m (north west boundary) and 0.7m (south west boundary) in lieu of 1m from the internal/private road.



All of the boundaries described above are boundaries with the internal/private road. The approval of these departures is not expected to have any negative impacts to the functioning of this road and will not have any impact on surrounding properties.

CHARACTER OF THE AREA

The area in which the subject property is located is largely characterised by a mix of uses which include various residential housing typologies includes flats and single residential dwellings, community uses including schools, places of worship, hospitals and open space networks and retail and commercial corridors and nodes. There is also a diverse array of property sizes in the local area.



The extract above of the City's online map viewer shows the location of the subject property relative to properties in the surrounding area and also depicts the zonings of these surrounding properties. The diverse array of land uses in the area is apparent given the spread of zonings which include Residential Zone 1 (to the north, south and west of the subject property), General Residential 4 (to the east of the subject property) representing properties which facilitate higher density residential housing typologies and, further east, commercial and mixed use zonings including Mixed Use Zonings and General Business Zonings. This node of business and commercial activity, together with more dense housing typologies, is consistent with the Municipal Spatial Development Framework and the Southern District Plan discussed in further detail below. Also scattered around the area are properties which are zoned Commercial Zone 1.

There are no biophysical features of significance located in the local, nor heritage resources, which could reasonably be expected to be impacted as a result of the proposals contained within this report.

The above indicates that the proposed size and use of the subdivided portions of the subject property are compatible with the surrounding land uses. It also confirms that the subject property is well located in close proximity to a wide variety of private and public amenities and to places of employment opportunity. In addition, public transport in the area is well established with Claremont Station, a major public transport interchange and node, located +/- 500 meters from the subject property.

CHARACTER OF THE SUBJECT PROPERTY

The subject property was registered as the resultant subdivided portion off of Erf 55906, Cape Town.



The above aerial image shows the subject property, Erf 178150, relative to the parent erf on which the Synagogue is located. The subject property is a vacant erf and is not located within an HPOZ nor does it have any biophysical features of significance located thereon. It is however located within a PT1 overlay zone. The western common boundary is shared with the synagogue site, the northern and eastern boundaries are street boundaries with Grove Avenue and Foyle Road respectively and its southern boundary is shared with Erf 55907-RE.

PROVINCIAL SPATIAL DEVELOPMENT FRAMEWORK

The Provincial Spatial Development Framework has been considered as it relates to the proposals made within this application. It has been found that no such proposal is contradictory to the policy directives contained within this framework nor will they limit the achievement of the spatial vision provided within this report.

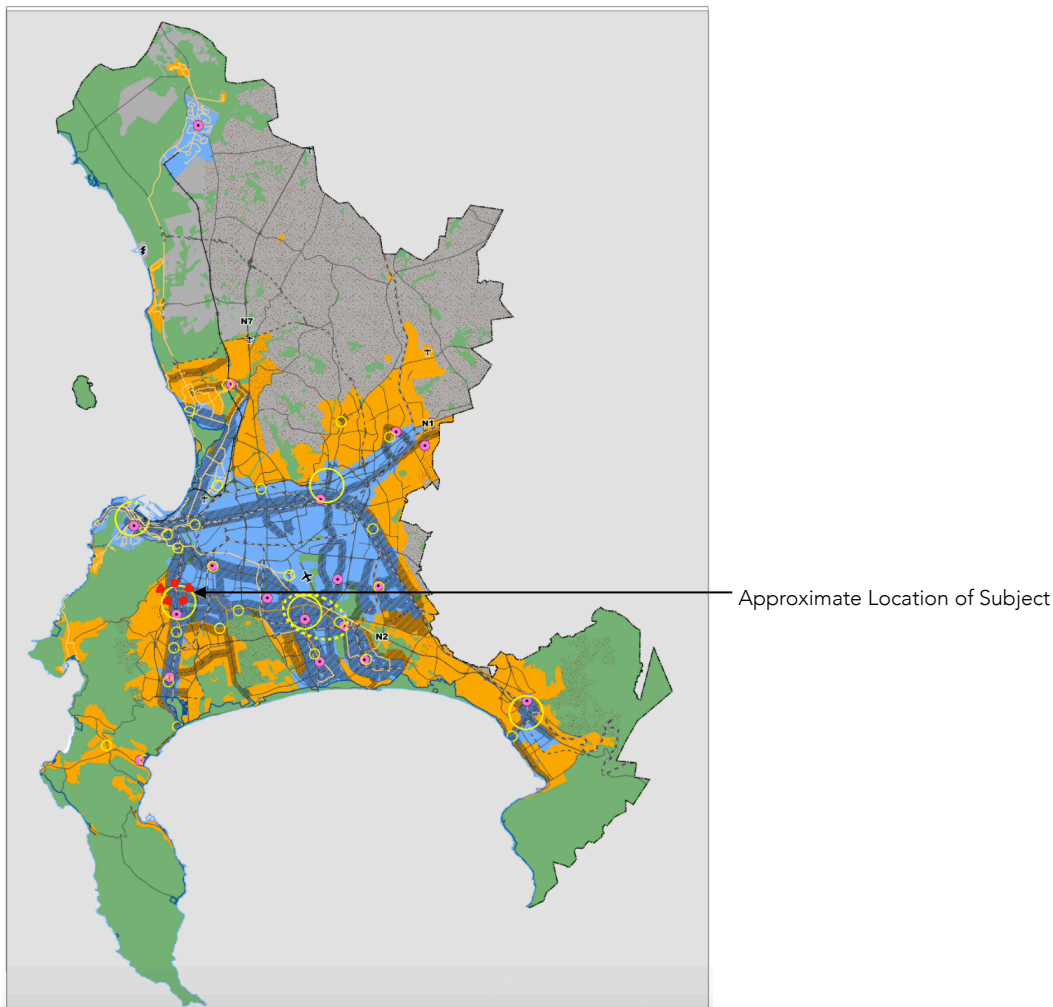
MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK

The MSDF is a policy set out and utilised by the City to guide the future development of Cape Town and is required to be consulted in the proposing of a new development.

The MSDF contains three spatial strategies as outlined below:

- Spatial Strategy 1: Build an inclusive, integrated and vibrant city. This proposal supports this strategy by providing increased housing opportunities in a city which has major housing deficits. Inclusiveness requires all members of society to have access to safe and secure housing, public transport networks, employment opportunities and public and private amenities. This is supported by the location of the subject property in a developed area with access to both public and private amenities. The property is located within a major node, the Claremont Node, and thus enjoys high degrees of accessibility to the large variety of amenities, including public transport networks, located within this node. The secure nature of the proposed development provides opportunities to those seeking more safe and secure housing without the need for closing public roads or compromising any other aspect of the urban fabric which could be construed as reducing the inclusiveness of the area or reducing the ability of the area to promote this spatial strategy. The small erf size lends itself to such a development and facilitates the ability to create a small, secure development without compromising the achievement of the spatial development directives contained within the MSDF.
- Spatial Strategy 2: Manage urban growth and create a balance between urban development and environmental protection. The Municipal SDF clearly identifies environmental resources and systems which are to be protected within and around the city. There are expected to be no negative impacts on the city's environmental resources as a result of the purposed development. Furthermore, the area in which the subject property is located is identified by the SDF as an area in which new development is supported. The property is not located in, or near, an area identified in the MSDF as a major Biophysical Asset, nor could the proposals made herein reasonably be expected to be detrimental to any such asset.
- Spatial Strategy 3: Plan for employment, and improve access to economic opportunities. The proposal supports this strategy by providing housing opportunities within a development corridor and major node. These areas are characterised by high concentrations of economic activity and the City promotes the

placement of various public and private amenities within these area. Public transport systems are also designed by the City to facilitate ease of movement to and from these nodes. The proposal is believed to provide greater opportunities for individuals to reside in an area in which they have greater access to economic opportunities and a wide variety of public transport options including rail and bus which increases accessibility to the greater metropolitan area.



The above map is the MSDF's consolidated spatial concept which groups certain areas of the city into broad Spatial Planning Categories. As can be seen above, the subject property is located within the 'Urban Inner Core' Spatial Planning Category in which Intensification and diversification of land uses is promoted as these areas are considered to be the core of the city containing high concentrations of commercial activity and employment opportunities, major mobility routes, a concentration of an array of public and private infrastructure and high concentrations of residential development.

SOUTHERN DISTRICT PLAN

The Southern District Plan provides policies and spatial directives for the desired future development of the district. This policy takes a more fine scaled view of areas throughout the city in contrast to the MSDF which

focuses on the city as whole. Despite this, the Southern District Plan is informed by the MSDP and carries through many of the spatial planning principles and desired spatial outcomes and planning strategies provided for in this policy.

- Strategy 1: Plan for employment and improve access to economic opportunities. The attributes of this proposal which promote this strategy have been discussed throughout this report. This includes the proposal to provide additional housing opportunities which will allow individuals to reside in an area which provides high accessibility to places of employment.
- Strategy 2: Manage urban growth and create a balance between urban development and environmental protection. The area in which the subject property is located has been designated as an 'Urban Development' area by this policy. The proposal is in no way expected to have a negative or detrimental impact to the City's Biophysical Assets.
- Strategy 3: Build an inclusive, integrated and vibrant city. The proposals made herein are believed to promote this strategy particularly by virtue of the fact that it will provide much needed additional housing opportunities in an area in which access has high degrees of accessibility to public transport systems and employment opportunities.



The above image shows the subject property to be located within the 'Urban Development' Spatial Planning Category as defined by the District Plan. The policy indicates that these areas should be considered for a wide variety of urban uses which includes residential housing. The district plan also indicates that the subject property is located within a development corridor and within a metropolitan node. This is further indicative of the fact that the property is surrounded by a wide variety of amenities and commercial activity. The development of such areas is supported, especially that which promotes increased housing opportunities. These areas are well serviced and the City is committed to continual upgrading and maintenance of this infrastructure to accommodate further development. These areas are also deemed acceptable to support further development as they do not contain any significant biophysical features or systems and the development of these areas is not expected to impact negatively upon such systems. The proposals contained within this application are in no way expected to have a negative impact on the desired future development of the Southern District nor are they expected to have a negative impact upon service provision or the significant biophysical features present in the area.

DENSIFICATION POLICY

It is believed that the proposals made within this application are aligned with numerous policy directives contained within the densification policy. It must be noted that, as per the Southern District Plan, the area in which the property is situated is identified as an 'urban development' area. Furthermore, the property is located within development corridor and a metropolitan node. Typically, higher residential densities are associated with high activity, development corridors & nodes and are regarded as a requirement to support these areas and the public transport networks associated with them. The concentration of commercial activity and a wide variety amenities along these routes and within such nodes supports densification within such an area.

A moderate density development, as proposed within this application, is deemed to be compatible with the surrounding area given its location within a metropolitan node and development corridor and its accessibility to public transport infrastructure and the services and employment opportunities which these areas support. The development will provide well located, housing opportunities to individuals seeking to live in a well located area that has good access to public transport networks, places of employment and other amenities. The proposed land use, and associated densification, are deemed to be comparable with the character of the local area.

This application is believed to support the densification policy by making optimal and efficient use of currently unfertilised land, providing a density which increases residential opportunities thereby supporting existing, and proposed, plans to improve the public transport network.

It is maintained that this proposal provides land units and housing opportunities which cater to a wide variety of individuals seeking secure land tenure. This application is not believed to contravene any of the policy

directives contained within the Densification Policy especially given that the policy does not propose a 'one size fits all' approach to densification throughout the city.

SOCIAL DEVELOPMENT STRATEGY

This application, and the proposals contained therein, is not believed to contravene any of the policy directives of the Social Development Strategy nor is it expected to jeopardise the achievement of the policies contained within this strategy. It is maintained that the proposals made herein largely support the directives of this policy largely by creating greater residential opportunities in a well located area close to a wide variety of private and public amenities including enhanced access to places of employment and economic opportunities. The additional residential housing opportunities that will be created as a result of this proposal contribute toward the reduction of housing deficits currently faced by the city and provide enhanced access to safe and secure housing.

INCLUSIVE ECONOMIC GROWTH STRATEGY

The Inclusive Economic Growth Strategy contains a number of problem statements, two of which are directly addressed by the proposals contained within this report. The first is the lack of access to the economy. The spatial division in Cape Town is well documented with limited housing availability in well located areas close to existing public transport networks and places of concentrated economic activity where employment opportunities are greater. This proposal provides increased housing in a well located area providing greater opportunities for individuals to reside in an area where they have greater access to public transport and economic activity. The second problem statement addressed herein is the declining private investment which the City has reported. The policy notes, "Without meaningful private investment...the local economy will continue to lag behind population growth". It notes further that this private investment is needed from both foreign and domestic investors. This proposal is a great example of a proposed private investment which will 1) provide greater housing opportunities in a city which faces major housing deficits, 2) will stimulate the local economy by providing jobs through the inception and development phase and, in the long term, the management and maintenance of the property. It will also increase the City's rates base allowing for greater income generating opportunities which the City can use to invest in improving under resources areas.

The policy also identifies key principles as outlined below:

Key Principles:

- Inclusivity - This proposal provides additional housing in a well located area thereby enhancing opportunities for individuals to live in an area where they enjoy greater access to places of economic employment and opportunity as well as other amenities both private and public. Furthermore the

proposed development will create jobs for builders and other contractors during the development phase along with jobs associated with the long-term management and maintenance of the property.

- Competitiveness - The proposed development will create more jobs and opportunity for companies in the built environment industry creating more opportunities for companies and skilled and unskilled labour.
- Connectivity - Greater access to jobs and economic activity, along with a well established public transport network, provides enhanced access of local residents to the three major economic hubs, Cape Town's City Centre, Century City and Belville/Tygerberg. The subject property is also located within a metropolitan node, which is characterised by a high concentration of economic activity. This not only results in residents of the subject development being located in close proximity to places of economic opportunities, they will also enjoy enhanced access to a wide variety of amenities.
- Resilience - There is a need for Cape Town's economy to support as many people as possible. This can be achieved by promoting greater public investment which creates more job opportunities in the City and, in this case, increases the City's rates base allowing the public sector to redirect these funds to enhancing resilience in under resourced areas.
- Embedded Sustainability - Densification, as proposed within this application, is seen as a means through which to promote sustainability. This is achieved through reducing travel distances for individuals to and from work, more localised service provision providing a wide variety of amenities to a larger population residing in a smaller area and reduced pressures on urban sprawl eliminating the loss of productive agricultural land and natural resources.
- Collaboration - Job creation is largely driven by private enterprises and private investment.

It is believed that the alignment of the proposed development to the above key principles illustrates how this proposal is aligned to helping the City achieve its economic vision.

SAFER CITY POLICY

The proposed development has been designed to include elements which promote increased surveillance and visibility onto public open space. The presence of passive surveillance is seen as an extremely useful deterrent of criminal activity and is thus regarded as a means of creating safer spaces. The design of the proposed residential units has taken this into consideration and the 1st floor of the units which front onto the street boundaries of Grove Avenue and Foyle Road are outward facing as opposed to facing within the development. This results in enhanced passive surveillance over these public spaces while also creating a more positive interface with this public space.

The proposal also promotes a safer city by making efficient and effective use of undeveloped, vacant land. The proposals made herein are believed to promote the Safer City Policy and are not believed to undermine any of the policy directives.

GATED COMMUNITY POLICY

The Gated Community Policy has been considered as it relates to this application. The application does not propose the closure of existing public roads, paths or places in order to establish a proposed enclosed development. The proposal is not expected to result in a negative impact upon municipal and/or public service infrastructure. The creation of a gated development in this instance is motivated by the need to make efficient use of the vacant land, creating a number of residential land units. Access to these land units has been considered and it was concluded that limiting the site to 2 carriageway crossings to service all proposed erven would provide the least impact on traffic in the local area.

The proposed development is believed to be sensitive to the needs for enhanced security in the area, achieved largely by incorporating design elements which promote passive surveillance over public roads adjacent to the property.

The proposal is not believed to undermine the Gated Community Policy. As per the policy, the development is categorised as an entirely private purpose built/planned, Greenfield, development. Important to note is the fact that the proposal involves a small, single, private, erf and the establishment of a gated community on this property will not result in any additional restrictions to public access as there are currently no public amenities present on the property. The proposal will therefore not result in the loss of public spaces, access points, thoroughfare, open space or any other attribute deemed to be accessible or available to the general public. Thus, the proposal is for an existing private property to remain private, as such, there will not be expected to be any infringements of the rights of the public as a result of the approval of this application. What the approval will allow for is the efficient and effective use of existing private land providing enhanced access to safe and secure housing opportunities.

Provisions pertaining to access monitoring are not a concern as no public road is proposed to become a private road. Access control is permitted on an entirely private development and the criteria in this section have been taken into consideration, none of which are believed to be contravened by the proposals of this application. The location of the subject property and the scale of the proposed layout are believed to create conditions which are not expected to result in a negative impact upon city form, connectivity and/or mobility. As indicated above, given the location and attributes of the subject property there should be no reason whatsoever, other than visitation of residents, for members of the public to require access to the proposed development.

It must also be stated that the proposal does not jeopardise the establishment of viable NMT movement routes and the provisions of the policy relating to emergency services and law enforcement are noted and will be complied with. The proposal is also believed to be compliant with layout provisions and does not compromise biodiversity networks or ecological corridors.

The proposals contained within this application are not believed to be in contravention of any other policy considerations contained within the Gated Community Policy.

CAPE TOWN URBAN DESIGN POLICY

Objectives contained within the Cape Town Urban Design Policy include:

- The developments must contribute positively to urban structure of the city to create integrated and legible places and neighbourhoods;
- Ensure that developments contribute to improved equality of the public realm and public spaces;
- Ensure that developments contribute to the creation of safe and secure communities;
- Ensure opportunities and amenities are accessible and that people can move about easily and efficiently;
- Promote development intensity, diversity and adaptability;
- Ensure enclosure and positive interfaces onto the public realm;
- Development should recognise and respond appropriately to informality;
- Development should protect, value and enhance the natural environment through sustainable design; and,
- That development should respect and enhance the heritage, character and unique identity of the city and its neighbourhoods.

The proposed subdivision of a vacant site to allow for residential housing opportunities is believed to be in support of this policy. The proposed site layout is believed to be legible and designed to integrate well with the character of the area. The Proposal does not reduce access to public open space nor does it impact negatively upon the natural environment. As has been noted, the proposed development is believed to have a positive public interface and promotes enhanced safety and security via passive surveillance over the adjacent public roads. The proposal is therefore believed to contribute toward to the creation of a safe and secure community.

The promotion of a diversity of development typologies in the area will result in an increase in housing opportunities and makes more efficient use of vacant land. The location of the subject property will provide well located housing opportunities with high degrees of accessibility to employment opportunities, public transport routes and a wide variety of amenities. Providing additional housing opportunities within the urban edge and promoting densification reduces pressures which result in urban sprawl thus the proposal contributes to the sustainable use of urban land. In addition, the proposed layout does not result in any negative impacts on the natural environment or on heritage resources.

Given the proposed small erf sizes, and the scale of the development, it is believed that a gated development of such a scale, and the design of the proposed residential units, is in support of both the Gated Community Policy and the Urban Design Policy.

SPATIAL PLANNING AND LAND USE MANAGEMENT ACT (SPLUMA) & LAND USE PLANNING ACT (LUPA)

The proposals made herein are not believed to contravene any of the provisions of the Spatial Planning and Land Use Management Act nor those contained within the Land Use Planning Act. This application is believed to promote numerous Development Principles contained within SPLUMA. The principle of spatial justice is promoted in creating improved access to land and providing secure tenure and housing opportunities on well located land close to public transport networks and employment opportunities. The application upholds the need for spatial sustainability in that development is not proposed on valuable agricultural land or land deemed to be environmentally sensitive. Development is proposed within the urban edge in an area identified by relevant spatial policies as appropriate for urban development thus contributing to reducing pressures on urban sprawl. Furthermore, the proposed development is believed to contribute to creating a viable community. The principle of efficiency is promoted in that the land has been identified for urban development and the land unit is currently vacant. Creating housing opportunities in a well located area is believed to be a means of promoting efficient use of this land parcel. In addition to the above, it is maintained that the proposal will contribute to creating a resilient community through the provision of access to secure land tenure and housing in an area where livelihoods can be sustained and provides resilience to environmental shocks as it is not located on a flood plain or any other feature deemed to enhance exposure to environmental shocks. The Development Principles are carried through into provincial legislation LUPA as Land Use Planning Principles. These have been considered and it is believed that the proposals made within this application support these principles in a similar manner to those described above.

IMPACT ON EXISTING RIGHTS

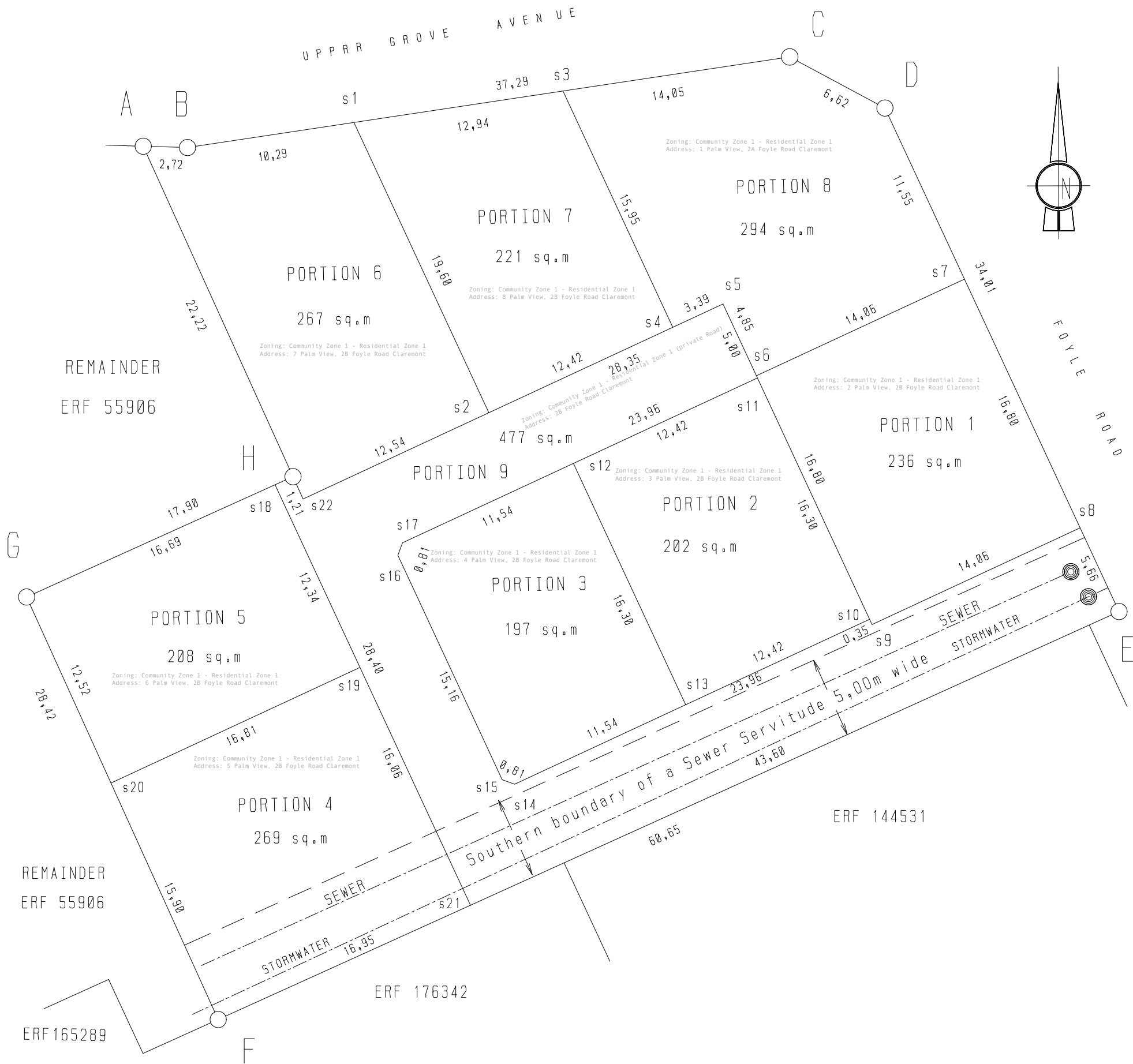
The existing rights of the subject property in terms of permissible land use and development has been discussed in detail in this report. Included in this discussion is a full assessment of the new rights that will be conferred to the subject property as a result of the proposals contained herein. These include the right to subdivide the property into 9 portions, the right to use these portions in line with the provisions of Residential Zone 1, and the right to depart from certain provisions of the by-laws as detailed herein. The approval of these applications will not result in any individual being deprived of their property, or a portion thereof, nor will it result in the removal of any real rights from any individual or property. All proposals are contained within the boundaries of the subject property and all due processes in terms of the relevant laws and policies are being followed in order to seek approval of the proposals included within this application.

CRITERIA	IMPACT
(a) Socio-Economic Impact	An increase in properties will add to the City's rates base thereby creating additional income generating opportunities for the City. Creating housing opportunities in close proximity to commercial node/corridors will allow for more people to reside in an area which is accessible to employment opportunities. Furthermore, densification of the area will further support local businesses and service providers and contribute to the viability of the metropolitan node. The proposals made herein will result in the creation of job and employment opportunities for local businesses and those in the area. This includes the actual development of the structures contained within this proposal.
(b) Compatibility with Surrounding Area	It has been shown that the proposed property sizes do not diverge drastically from existing property sizes in the area and the housing typologies proposed largely retain the character of the area. The proposal to create a gated development largely negates the need for a large amount of individual carriageway crossings and provides safe and secure housing opportunities in the area. Given the small size of the proposed property and the fact that the property is completely private, with no public or private amenities located thereon, this proposal is believed to have no negative impact on the surrounding area. The design of the proposed development has been shown to tie in well with the existing urban fabric as elements have been included which promote passive surveillance over public roads adjacent to the subject property. The proposal is compatible with the spatial policies set out in the Municipal SDF and the Southern District Plan. The site on which the development is proposed is located in close proximity to public transport services and employment opportunities and access to services and amenities.
(c) Impact on External Engineering Services	There is believed to be sufficient existing external engineering service capacity to support the proposed development.
(d) Impact on Safety, Health and Wellbeing of the Surrounding Community	The proposals contained herein are not expected to have any negative impacts upon the safety, health and well-being of existing surrounding communities are expected as a result of these proposals. The creation of additional dwelling units will increase accessibility to housing in an area and the positive public interface of street facing units will enhance security in the area via passive surveillance.
(e) Impact on Heritage	The subject property is not located within a Heritage Protection Overlay Zone nor does it contain any features which are regarded as being of any heritage significance.

(f) Impact on Biophysical Environment	There are no significant biophysical features present on the subject property. The proposal is not believed to result in the loss or, damage to, any environmental resources or attributes.
(g) Traffic Impacts	Only 2 carriageway crossings are proposed to service the entire development in order to reduce any potential negative impacts on traffic in the area. The carriageway crossings are expected to provide safe vehicular ingress and egress without having a negative impact on traffic on Foyle Road.
(j) Imposition of Conditions to Mitigate Adverse Impact	Not deemed to be applicable in this case

CONCLUSION

This report has shown how the proposals conform with a wide variety of relevant Municipal, Provincial and National laws and policies. We respectfully request that all the above be taken into consideration and that this application be approved.



NOTES

1. The figure ABCDEFGH represents Erf 178150 Cape Town at Claremont in extent 2374 square metres.
Vide Diagram No. 26o7/2o16
2. The lines s1 - s22 represent the the proposed subdivision lines.
3. The line EF represents the Southern boundary of a Sewer Servitude 5,00m wide
Vide Diagram No. 26o7/2o16
4. Zoning: Residential 1

DATE: MARCH 2026	DRAWING: MG171951
DRAWN BY: R.C.	SCALE: 1 / 100
PROPOSED SUBDIVISION OF ERF 178150 CAPE TOWN AT CLAREMONT SITUATE IN THE CITY OF CAPE TOWN	
OWNER/S: DEED OF TRANSFER: T	
PREPARED BY: M J GLUCKMAN Pr. Land Surveyor 65 Liesbeeck Road Rosebank Cape Town, 7700	
DIAG No: 2607/2016	S.G. No. M1411, M1417
Roll No.	Val Ref No.